

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



April 24, 2003

Regulation Package #0302-08

CDSS MANUAL LETTER NO. CCL-03-01

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,  
CHAPTER 9.5, FOSTER FAMILY HOMES

**Regulation Package #0302-08****Effective 4/9/03****Sections 89201, 89202, 89206, 89219, 89219.1, 89227, 89235, 89240, 89372, 89387, 89405, 89420, 89465, 89468, and 89572.2**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/FosterFami\\_629.htm](http://www.dss.cahwnet.gov/ord/FosterFami_629.htm).

The Foster Family Homes emergency regulations which were effective July 1, 2002, implemented the provisions of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). This legislation ensures that California is in continuing compliance with the federal Adoptions and Safe Families Act (ASFA) of 1997, Public Law 105-89. Modifications of Personal Rights were made pursuant to AB 899, (Chapter 683, Statutes of 2001). Further amendments were made in compliance with AB 1544 (Chapter 793, Statutes of 1997), Senate Bill 645 (Chapter 949, Statutes of 1998), and AB 2773 (Chapter 1056, Statutes of 1998), regarding the requirement of the same core health and safety standards prior to the issuance of a license or approval of a foster family home. These regulations also clarified that relative and nonrelative extended family member's homes approved for placements must meet the same standards as licensed homes.

Upon further assessment of the regulations, following the public hearing and considering the testimony received, some of the regulations were modified. The sections modified include: Section 89372, Personal Rights; Section 89387, Building and Grounds; Section 89405, Training Requirements; Section 89468, Admission Procedures; and Section 89572.2, Personal Rights for Children with Special Health Care Needs.

These regulations were adopted and became effective April 9, 2003 and were considered at the Department's public hearings held on August 12, 13, and 14, 2002.

## **FILING INSTRUCTIONS**

**Revisions to all manuals are shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-02-15. The latest prior manual letter containing Foster Family Homes regulation changes was Manual Letter No. CCL-02-03.

<u>Page(s)</u>	<u>Replace(s)</u>
9 through 10	Pages 9 through 10
15 through 20	Page 15 through 20
29 and 30	Pages 29 and 30
33 and 34	Pages 33 and 34
43 and 44	Pages 43 and 44
51 through 54	Pages 51 through 54
78 through 87	Pages 78 through 87
90 and 91	Pages 90 and 91
94 through 98	Pages 94 through 98
103 through 106	Pages 103 through 106

Attachments

JP

**89201**      **DEFINITIONS (Continued)****89201**

- (13) "Control of Property" means the legal right to enter, occupy, and maintain the operation of the home as verified by documentation provided upon request of the Department; such documentation may include:
- (A) a Grand Deed showing ownership; or
  - (B) the lease agreement or rental agreement; or
  - (C) a court order or similar document which shows the authority to control the property pending outcome of a probate proceeding or an estate settlement; or
  - (D) any other documents acceptable to the Department (for example, but not limited to, utility bills, insurance statement, etc.).
- (14) "Conviction" means:
- (A) A criminal conviction in California; or
  - (B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California.
- (15) "Criminal Record Clearance" means an individual has a California Department of Justice clearance and an FBI clearance or evidence of compliance with FBI requirements as specified in Section 1522(d)(1)(D) of the Health and Safety Code.
- (d) (1) "Deficiency" means any failure to comply with any provision of the Community Care Facilities Act commencing with Section 1500 of the Health and Safety Code and/or regulations adopted by the Department pursuant to the Act.
- (2) "Department" is defined in Section 1502(b) of the Health and Safety Code as the State Department of Social Services.
- (3) "Director" is defined in Section 1502(c) of the Health and Safety Code as the Director of the State Department of Social Services.
- (4) "Disability" means a condition that makes a child developmentally disabled, mentally disordered or physically handicapped, and for whom special care and supervision is required as a result of his/her condition.

**This page is intentionally left blank.**

**89201**      **DEFINITIONS (Continued)****89201**

- (5) "Documented Alternative Plan (DAP)" means a written plan, reviewed and approved by the licensing or approval worker on a case-by-case basis as a plan that is an alternative, but equally protective manner of meeting the intent of specified regulations in Article 3 of this chapter.
- (e) (1) "Evaluator" means any person who is a duly authorized officer, employee or agent of the Department, including any officer, employee or agent of a county or other public agency authorized by the Department to license homes.
- (2) "Evidence of Caregiver's Death" shall include, but is not limited to, a copy of the death certificate, obituary notice, certification of death from the decedent's mortuary or a letter from the attending physician or coroner's office verifying the caregiver's death.

**89201 DEFINITIONS (Continued)****89201**

- (3) "Exception" means a child-specific, nontransferable, written authorization issued by the licensing agency that approves an equally protective manner of complying with the intent of a specific regulation(s) and which are based on documentation of the unique needs or circumstances of a specific child placed in the home. Exceptions are granted for a particular child and cannot be transferred or applied to other children or other homes or caregivers. Exception does not apply to Article 3 of this chapter.
- (4) "Exemption" means the granting of an exemption to the disqualification for a license, employment or presence in a home, as allowed under Section 1522(g) of the Health and Safety Code, for an individual who does not have a criminal records clearance. An exemption is not transferable, except as provided in Section 89219.1(g).

---

**HANDBOOK BEGINS HERE**

---

- (A) Health and Safety Code Section 1522(g)(1) reads in part:

"After review of the record, the director may grant an exemption from disqualification for a license or special permit pursuant to subdivision (a), or for a license, special permit, or certificate of approval pursuant to subdivision (d), or for employment, residence, or presence in a community care facility as specified in subdivision (c), if the director has substantial and convincing evidence to support a reasonable belief that the applicant and the person convicted of the crime, if other than the applicant, are of such good character as to justify issuance of the license or special permit or granting an exemption for purposes of subdivision (c)..."

---

**HANDBOOK ENDS HERE**

---

- (f) (1) "Family Health Care" means health care which does not require the skills of qualified technical or professional personnel and is provided to a child by the foster parent in accordance with Section 89475, Health Related Services. When these requirements are met, the family health care that may be provided includes, but is not limited to the following:
- (A) Routine administration of medications such as the administration of suppositories, ointments, lotions, pills, enemas or medications given by liquid medication dispenser, puffer, dropper or nebulizer.
- (B) Changing ostomy or indwelling urinary catheter bags.
- (C) Urine and blood glucose testing using a monitoring kit approved for home use.
- (D) Heart and apnea monitoring when it is simply the case of providing stimulation to the infant/child when the cardiac or respiratory rate falls below a specified rate and not a matter of interpreting a monitor pattern with the intervention based on that interpretation.

**89201 DEFINITIONS (Continued)****89201**

- (4) "Provision" or "Provide" means whenever any regulation requires that provision be made for or that there be provided any service, personnel, or other requirement, the caregiver shall do so directly or present evidence to the licensing agency that the requirement has been met by some other means.
- (q) (Reserved)
- (r) (1) "Rehabilitation" means that period of time, together with any education, counseling or therapy, training, stable employment, restitution, remorse, changes in lifestyle, or community service, which assist an individual in reestablishing good character.
- (2) "Relative" means:
- (A) A person related to the child by birth or adoption within the fifth degree of kinship who, regardless of whether the parent's rights to the child have been terminated or relinquished, is one of the following:
1. Parent (mother, father) sibling (brother, sister), half-sibling (half-brother, half-sister), nephew, niece, uncle, aunt, first cousin, first cousin once removed, or any such person of a preceeding generation denoted by the prefixes grand, great, great-great, or great-great-great.
- (B) Stepfather, stepmother, stepbrother or stepsister; or
- (C) The spouse of any person named in (A) or (B) above, even after the marriage has been terminated by death or dissolution.
- (s) (1) "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health or safety of any child in a home.
- (2) "Sexual Orientation" means, for the purpose of this chapter, the identification of any individual as heterosexual, gay, lesbian or bisexual.
- (3) "Social Worker" means a person who has a graduate degree from an accredited school of social work.
- (4) "Specialized Foster Family Home" means a licensed foster family home which provides specialized in-home health care to children pursuant to Section 1507 of the Health and Safety Code and Section 17710(i) of the Welfare and Institutions Code.
- (5) "Specialized In-Home Health Care" means health care as defined in Section 17710(h) of the Welfare and Institutions Code, other than family health care, identified by the child's primary physician as appropriately administered in the home by a health care professional or by a foster parent trained by health care professionals.

**89201 DEFINITIONS (Continued)****89201**

- (6) "SSI/SSP" means the Supplemental Security Income/State Supplemental Program which is a federal/state program that provides financial assistance to aged, blind and/or disabled residents of California.
- (t) (1) "Transitional Independent Living Plan (TILP)" means the portion of the child's case plan that describes the programs and services, including employment and savings, as appropriate, based on an assessment of the individual child's skills and abilities, that will help the child prepare for transition from foster care to independent living.
- (u) (1) "Unlicensed Community Care Facility" means a facility as defined in Section 1503.5 of the Health and Safety Code.

---

**HANDBOOK BEGINS HERE**

---

- (A) Health and Safety Code Section 1503.5(a) provides in pertinent part:

A facility shall be deemed to be an "unlicensed community care facility" and "maintained and operated to provide non-medical care" if it is unlicensed and not exempt from licensure and any one of the following conditions is satisfied:

- (1) The facility is providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
- (2) The facility is held out as or represented as providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
- (3) The facility accepts or retains residents who demonstrate the need for care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
- (4) The facility represents itself as a licensed community care facility.

---

**HANDBOOK ENDS HERE**

---

- (B) A home which is "providing care and supervision" as defined in Section 89201(c)(2) includes, but is not limited to, one in which an unemancipated minor has been placed for temporary or permanent care.
- (C) A home which is "held out as or represented as providing care and supervision" includes, but is not limited to:



**89201**      **DEFINITIONS (Continued)****89201**

- (1) A home which has been revoked or denied as follows:
    - a. a license, if licensed as a foster family home; or
    - b. an approval, if approved as a nonrelative extended family member home; or
    - c. a certificate, if certified by a Foster Family Agency as a foster home; and,
    - d. the individual continues to provide care for the same or different clients with similar needs.
  - (2) A home where change of ownership has occurred and the same clients are retained.
  - (3) A licensed home that moves to a new location.
  - (4) A home which advertises as providing care and supervision.
  - (D) A home which "accepts or retains residents who demonstrate the need for care and supervision" includes, but is not limit to a home which houses unemancipated minors, even though the home is providing board and room only, or board only, or room only.
- (v) (1) "Volunteer" means a person who provides gratuitous, non-essential services and does not replace required staff.

**89201 DEFINITIONS (Continued)****89201**

- (w) (1) "Waiver" means a home-wide nontransferable written authorization issued by the licensing agency that approves an equally protective manner of complying with the intent of a specific regulation which is based on a demonstration of the unique needs or circumstances of the home. Waiver does not apply to Article 3 of this chapter.
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill 1695 (Chapter 653, Statutes of 2001). Reference: Sections 319(d), 362.7, 11400, 11403, 16522, 17710, 17710(a), (g), (h) and (i), 17731, 17731(c) and 17736(a), Welfare and Institutions Code; Sections 1337, 1500, 1501, 1502, 1503, 1503.5, 1505, 1505.2, 1507, 1507.5, 1520, 1522, 1522.1, 1524, 1524(e), 1526, 1526.5, 1527, 1530, 1530.5, 1530.6, 1531, 1531.5, 1533, 1534, 1536.1, 1537, 1550, 1551, 1558, 1558.1, 1559.110, 1727(c), 11834.11, and 13131, Health and Safety Code; Unruh Civil Rights Act, Civil Code Section 51; and California Fair Employment and Housing Act, Government Code Section 12921.

**89202 DEFINITIONS - FORMS****89202**

The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 6, Chapter 9.5 (Foster Family Homes).

- (a) LIC 198 (2/01) – Child Abuse Central Index Check for County Licensed Facilities.
- (b) LIC 198A (3/99) – Child Abuse Central Index Check for State Licensed Facilities.
- (c) LIC 508 (3/02) – Criminal Record Statement.
- (d) LIC 9182 (4/02) – Criminal Background Clearance Transfer Request.
- (e) LIC 9188 (3/02) – Criminal Record Exemption Transfer Request.
- (f) PUB 396 (5/02) – Foster Youth Rights Poster

NOTE: Authority cited: Section 1530, Health and Safety Code and Section 21 of the Assembly Bill 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1522 and 1522.1, Health and Safety Code.

**Article 2. ADMINISTRATIVE****89205 LICENSE REQUIRED****89205**

Unless a home is exempt from licensure as specified in Section 89207, no individual shall operate, establish, manage, conduct or maintain a foster family home, or hold out, advertise or represent by any means to do so, without first obtaining a current valid license from the licensing agency.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1503, 1503.5, 1505, 1508, 1509, 1513, 1524, 1531, 1536.1, 1540, 1540.1, 1541, and 1547, Health and Safety Code.

**89206 OPERATION WITHOUT A LICENSE****89206**

- (a) An unlicensed facility as defined in Section 89201(u)(1), is in violation of Sections 1503.5 and/or 1508 of the Health and Safety Code unless exempted from licensure pursuant to Section 1505 of the Health and Safety Code or Section 89207 of this chapter.
- (b) If the facility is alleged to be in violation of Sections 1503.5 and/or 1508 of the Health and Safety Code, the licensing agency shall conduct a site visit, and/or an evaluation of the home pursuant to Section 1533 of the Health and Safety Code.

---

**HANDBOOK BEGINS HERE**

---

- (1) Health and Safety Code Section 1533 provides in pertinent part:

Except as otherwise provided in this section, any duly authorized officer, employee, or agent of the State Department of Social Services may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter.

---

**HANDBOOK ENDS HERE**

---

- (c) If the home is operating without a license, the licensing agency shall issue a notice of operation in violation of law and shall refer the case for criminal prosecution and/or civil proceedings.

**89206 OPERATION WITHOUT A LICENSE (Continued)****89206**

- (d) The licensing agency shall issue an immediate civil penalty pursuant to Section 89255 and Section 1547 of the Health and Safety Code.

---

**HANDBOOK BEGINS HERE**

---

- (1) Section 1547 of the Health and Safety Code provides in part:

Notwithstanding any other provision of this chapter, any person who violates Section 1503.5 or 1508, or both, may be assessed by the department an immediate civil penalty in the amount of two hundred dollars (\$200) per day of violation.

The civil penalty ... shall be imposed if an unlicensed facility is operated and the operator refuses to seek licensure or the licensure application is denied and the operator continues to operate the unlicensed facility.

---

**HANDBOOK ENDS HERE**

---

- (e) Sections 89206(c) and (d) shall be applied pursuant to Section 1549 of the Health and Safety Code.

---

**HANDBOOK BEGINS HERE**

---

- (1) Section 1549 of the Health and Safety Code states:

The civil, criminal, and administrative remedies available to the department pursuant to this article are not exclusive and may be sought and employed in any combination deemed advisable by the department to enforce this chapter.

---

**HANDBOOK ENDS HERE**

---

- (f) The licensing agency shall notify the appropriate placement or protective service agency if either of the following conditions exist:

- (1) There is an immediate threat to the clients' health and safety.
- (2) The home does not submit an application for licensure within 15 calendar days of being served a notice of operation in violation of the law.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1503, 1503.5, 1505, 1508, 1524, 1533, 1536.1, 1538, 1540, 1540.1, 1541, 1547 and 1549, Health and Safety Code.

**89219 CRIMINAL RECORD CLEARANCE (Continued)****89219****HANDBOOK BEGINS HERE**

- (1) Section 1522(d)(1)(D) of the Health and Safety Code states:

An applicant for a foster family home license or for certification as a family home, and any other person specified in subdivision (b), shall submit a set of fingerprints to the Department of Justice for the purpose of searching the criminal records of the Federal Bureau of Investigation, in addition to the criminal records search required by subdivision (a). If an applicant meets all other conditions for licensure, except receipt of the Federal Bureau of Investigation's criminal history information for the applicant and all persons described in subdivision (b), the department may issue a license, or the foster family agency may issue a certificate of approval, if the applicant, and each person described in subdivision (b), has signed and submitted a statement that he or she has never been convicted of a crime in the United States, other than a traffic infraction, as defined in paragraph (1) of subdivision (a) of Section 42001 of the Vehicle Code. If, after licensure or certification, the department determines that the licensee, certified foster parent, or any person specified in subdivision (b) has a criminal record, the license may be revoked pursuant to Section 1550 and the certificate of approval revoked pursuant to subdivision (b) of Section 1534. The department may also suspend the license pending an administrative hearing pursuant to Section 1550.5.

**HANDBOOK ENDS HERE**

- (e) Prior to employment, residence or initial presence in a foster family home, all individuals subject to criminal record review, in order to meet the requirements of Section 89219(c) and (d), shall be fingerprinted and sign a declaration under penalty of perjury regarding any prior criminal convictions and arrests for any crime against a child, spousal cohabitant abuse, or for any crime for which the Department cannot grant an exemption. The declaration shall acknowledge and explain criminal convictions and arrests. The declaration shall also acknowledge that his/her continued employment, residence, or presence in the home is subject to approval of the Department.
- (1) A foster family home applicant/caregiver shall submit the fingerprints to the California Department of Justice along with a second set of fingerprints for the purpose of searching the records of the Federal Bureau of Investigation and shall comply with Section 89219(e), prior to the individual's employment, residence, or initial presence in the home.
- (A) Fingerprints shall be submitted to the California Department of Justice by the caregiver or sent by electronic transmission to the California Department of Justice by a fingerprinting entity approved by the Department.

**89219 CRIMINAL RECORD CLEARANCE (Continued)****89219**

- (B) A caregiver's failure to submit fingerprints to the California Department of Justice or to comply with Section 89219(e) shall result in the citation of a deficiency and an immediate assessment of civil penalties of one hundred dollars (\$100) per violation.
1. The caregiver shall then submit the fingerprints to the California Department of Justice for processing.
- (C) The Department shall notify the caregiver of criminal records clearances and where there is not a clearance, the Department shall notify both the caregiver and the affected individual associated with the facility, in concurrent, separate letters, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.
- (f) To continue to be employed, reside, or be present in a home, each individual shall continue to meet the requirements of Sections 89219(c) and (d).
- (g) If the criminal record transcript of any of the individuals specified in Health and Safety Code Section 1522(b) discloses a plea or verdict of guilty or a conviction following a plea of nolo contendere for any crime other than a minor traffic violation for which the fine was less than \$300, and an exemption pursuant to Section 89219.1(a) has not been granted, the Department shall take the following actions:
- (1) For initial applicants, denial of the application.
  - (2) For current caregivers, the Department may institute an administrative action, including, but not limited to, revocation of the license.
  - (3) For other individuals, exclusion of the affected individual pursuant to Health and Safety Code Section 1558, and denial of the application or revocation of license, if the individual continues to provide service and/or reside in the home.

**89219 CRIMINAL RECORD CLEARANCE (Continued)****89219**

- (h) A transfer of a criminal record clearance from one state licensed facility to another, or from TrustLine to a state licensed facility may be requested by an individual or a caregiver by providing the following documents to the Department:
- (1) A signed Criminal Background Clearance Transfer Request, LIC 9182.
  - (2) A copy of the individual's valid identification, such as:
    - (A) California driver's license; or
    - (B) California identification card issued by the Department of Motor Vehicles; or
    - (C) Photo identification issued by another state or the United States government if the individual is not a California resident.
  - (3) Any other documentation required by the Department (i.e., LIC 508, Criminal Record Statement and job description).
- (i) The caregiver shall maintain documentation of criminal record clearances or criminal record exemptions of employees and volunteers that require fingerprinting and non-client adults residing in the home.
- (1) Documentation shall be available for inspection by the Department.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Section 729, Business and Professions Code; Sections 1501.1, 1520, 1522, 1522.01, 1522.04, 1524, 1531, 1558, and 14564, Health and Safety Code; Section 8712, Family Code; 15376, Government Code; and Sections 136.1, 186.22, 187, 190 through 190.4 and 192(a), 203, 206, 207, 208, 209, 209.5, 210, 211, 212, 212.5, 213, 214, 215, 220, 243.4, 261(a), (a)(1), (2), (3), (4) or (6), 262(a)(1) or (4), 264.1, 266, 266c, 266h(b), 266i(b), 266j, 267, 269, 272, 273a(a) [or 273a(1) if the conviction was prior to January 1, 1994], 273d, 285, 286, 288, 288a, 288.2, 288.5(a), 289, 290(a), 311.2(b), (c) or (d), 311.3, 311.10, 311.11, 314(1) or (2), 347(a), 368(b) or (c) if after January 1, 1999, 417(b), 451(a) or (b), 460(a), 186.22 and 518, 647.6 or prior to 1987 former Section 647a, 653f(c), 664/187, 667.5(c)(7), 667.5(c)(8) 667.5(c)(13), 12308, 12309 or 12310, 667.5(c)(14), 207, 208, 209, 209.5 and 210, 667.5(c)(22), 12022.53, Penal Code; and Section 42001, Vehicle Code.

**89219.1 CRIMINAL RECORD EXEMPTION****89219.1**

- (a) After a review of the criminal record transcript, the Department may grant an exception from disqualification for a license, employment or presence in a home pursuant to Section 89219(g) if:
- (1) The applicant/caregiver requests an exemption for himself or herself, or
  - (2) The applicant/caregiver requests an exemption in writing for an individual associated with the home, or
  - (3) The applicant/caregiver does not seek an exemption for the affected individual, the affected individual may request an individual exemption in writing, if the conditions set forth in Section 1522(c)(5) of the Health and Safety Code are met; and

---

---

**HANDBOOK BEGINS HERE**

- (A) Section 1522(c)(5) of the Health and Safety Code provides:

(5) Concurrently with notifying the licensee pursuant to paragraph (3), the department shall notify the affected individual of his or her right to seek an exemption pursuant to subdivision (g). The individual may seek an exemption only if the licensee terminates the person's employment or removes the person from the facility after receiving notice from the department pursuant to paragraph (3).

---

---

**HANDBOOK ENDS HERE**

- (4) The affected individual presents substantial and convincing evidence satisfactory to the Department that he/she has been rehabilitated and presently is of such good character as to justify being issued or maintaining a license, employment, presence, or residence in a licensed home.
- (b) The Department shall consider factors including, but not limited to, the following as evidence of good character and rehabilitation:
- (1) The nature of the crime.
  - (2) Period of time since the crime was committed and number of offenses.
  - (3) Circumstances surrounding the commission of the crime that would demonstrate that repetition is not likely.
  - (4) Activities since conviction, including employment or participation in therapy or education, that would indicate changed behavior.
  - (5) Granting by the Governor of a full and unconditional pardon.



89226	<b>SAFEGUARDS FOR CASH RESOURCES, PERSONAL PROPERTY, AND VALUABLES</b>	89226
-------	--	-------

- (a) Cash resources and personal property and valuables of each child shall be separate and intact.
- (b) The caregiver shall maintain accurate records of accounts of cash resources, personal property, and valuables entrusted to his/her care.
- (c) When a child leaves placement in the home, the caregiver shall surrender all of the child's cash resources, personal property, and valuables to the child's authorized representative.
  - (1) The caregiver shall obtain and retain a receipt signed by the authorized representative.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1520, 1558, and 1560, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

89227 APPLICATION REVIEW 89227

## HANDBOOK BEGINS HERE

- (a) The licensing agency shall complete the following as part of the application review process:
  - (1) A site visit to the proposed foster family home and a determination that all of the requirements of Article 3 of this chapter have been satisfied, including but not limited to:
    - (A) Review of the ability, willingness, and readiness of the prospective foster parent to meet the varying needs of children.
      1. Health and Safety Code Section 1521.5 states:
        - (a) The county welfare director shall, prior to the issuance of any foster family home license, ensure that the county licensing staff, or the placement staff, conducts one or more in-home interviews with the prospective foster parent sufficient to collect information on caregiver qualifications that may be used by the placement agency to evaluate the ability, willingness, and readiness of the prospective foster parent to meet the varying needs of children. The inability of a prospective foster parent to meet the varying needs of children, shall not, in and of itself, preclude a prospective foster parent from obtaining a foster family home license. In counties in which the county has not contracted with the state to license foster family homes, the in-home interview shall be done by the placement agency.

## HANDBOOK CONTINUES

## 89227 APPLICATION REVIEW (Continued)

89227

---

**HANDBOOK CONTINUES**

---

(b) All in-home interviews required by this section shall be on an in-person basis.

(c) If the in-home interview is conducted by the licensing agency, it shall be a part of the licensing record, and shall be shared with the placement agency pursuant to subdivision (e) of Section 1798.24 of the Civil Code.

(d) The in-home interview required by this section shall be completed no later than 120 days following notification by the licensing agency.

(e) No license shall be issued unless an in-home interview has been conducted as required by this section.

(B) A determination that the applicant has the ability to comply with the provisions of the Community Care Facilities Act and the regulations in this chapter as specified in Section 1520 of the Health and Safety Code.

(C) A determination that the applicant has secured a fire clearance from the State Fire Marshal, if required.

(D) A determination that the home complies with the provisions of the Community Care Facilities Act and the regulations in this chapter.

---

**HANDBOOK ENDS HERE**

---

(b) If the applicant has not submitted all materials specified in Section 89218 within 90 days of receipt of the application by the licensing agency, the licensing agency shall give written notice to the applicant that the application is incomplete.

(1) If the applicant does not complete the application within 30 days after such notice, the application shall be deemed withdrawn, provided that the licensing agency has not denied or taken action to deny the application.

(2) If the application has been deemed denied, the applicant shall file a new application as required by Section 89218.

(c) The licensing agency shall cease review of any application under the conditions specified in Section 1520.3 of the Health and Safety Code.

**89235 CONDITIONS FOR FORFEITURE OF A FOSTER FAMILY HOME LICENSE****89235**

- (a) Conditions for forfeiture of a foster family home license may be found in Section 1524 of the Health and Safety Code.

---

**HANDBOOK BEGINS HERE**

---

- (1) Health and Safety Code Section 1524 provides in pertinent part:

A license shall be forfeited by operation of law prior to its expiration date when one of the following occurs:

- (a) The licensee sells or otherwise transfers the facility or facility property, except when change of ownership applies to transferring of stock when the facility is owned by a corporation, and when such transfer of stock does not constitute a majority of ownership.
- (b) The licensee surrenders the license to the department.
- (c) The licensee moves a facility from one location to another. The department shall develop regulations to ensure that such facilities are not charged a full licensing fee and do not have to complete the entire application process when applying for a license for the new location.
- (d) The licensee is convicted of an offense specified in Section 220, 243.4 or 264.1, or paragraph (1) of Section 273a, Section 273d, 288, or 289 of the Penal Code, or is convicted of another crime specified in subdivision (c) of Section 667.5 of the Penal Code.
- (e) The licensee dies. If an adult relative notifies the Department of his or her desire to continue operation of the facility and submits an application, the Department shall expedite the application. The Department shall promulgate regulations for expediting applications submitted pursuant to this subdivision.
- (f) The licensee abandons the facility.

---

**HANDBOOK ENDS HERE**

---

- (2) "Caregiver abandons the home" shall mean either of the following:

- (A) The caregiver informs the licensing agency that the caregiver no longer accepts responsibility for the home, or

**89235 CONDITIONS FOR FORFEITURE OF A FOSTER FAMILY HOME  
LICENSE (Continued)****89235**

- (B) The licensing agency is unable to determine the caregiver's whereabouts after the following:
1. The licensing agency requests information of the caregiver's whereabouts from an adult at the home if an adult can be contacted; and
  2. The licensing agency has made at least one phone call per day, to the caregiver's last telephone number of record, for five consecutive workdays with no response; and
  3. The licensing agency has sent a certified letter, requesting the caregiver to contact the licensing agency, to the caregiver's last mailing address of record with no response within seven calendar days.
- (b) If the caregiver dies or abandons the home and a responsible adult with control of the property continues to operate the home, he or she shall file a new application, with evidence of caregiver's death if applicable, and shall be subject to Section 89206.

NOTE: Authority cited: Sections 1524, 1524(e), 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1503, 1503.5, 1508, 1520, 1521.5, 1523, 1524, 1524(e), 1536.1, 1540, 1540.1, and 1547, Health and Safety Code.

**89240 DENIAL OF A LICENSE****89240**

- (a) The licensing agency shall deny an application for a license if it is determined that the applicant is not in compliance with applicable law and regulation.
- (1) The licensing agency shall have the authority to deny an application for a license if the applicant has failed to pay any civil penalty for unlicensed operations assessed pursuant to Section 89255, Unlicensed Facility Penalties, and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the licensing agency have been made.
- (2) The Department may deny any license as specified in Section 1550 of the Health and Safety Code.

---

**HANDBOOK BEGINS HERE**

---

- (A) Health and Safety Code Section 1550 states:

"The department may deny an application for, or suspend or revoke, any license, or any administrator certificate, issued under this chapter upon any of the following grounds and in the manner provided in this chapter:

"(a) Violation by the licensee or holder of a special permit of this chapter or of the rules and regulations promulgated under this chapter.

"(b) Aiding, abetting, or permitting the violation of this chapter or of the rules and regulations promulgated under this chapter.

"(c) Conduct which is inimical to the health, morals, welfare, or safety of either an individual in, or receiving services from, the facility or the people of the State of California.

"(d) The conviction of a licensee, or other person mentioned in Section 1522, at any time before or during licensure, of a crime as defined in Section 1522.

"(e) The licensee of any facility or the person providing direct care or supervision knowingly allows any child to have illegal drugs or alcohol.

"(f) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services."

---

**HANDBOOK ENDS HERE**

---

**89240 DENIAL OF A LICENSE (Continued)****89240**

- (3) An application for a license shall not be denied solely on the basis that the applicant is a parent who has administered or will continue to administer corporal punishment, not constituting child abuse as defined in Section 11165, subdivision (g) of the Penal Code, or Section 1531.5(c) of the Health and Safety Code, on his/her own child(ren).

---

---

**HANDBOOK BEGINS HERE**

- (A) Section 11165.6 of the Penal Code states:

"As used in this article, the term 'child abuse or neglect' means a physical injury which is inflicted by other than accidental means on a child by another person, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, willful cruelty or unjustifiable punishment as defined in Section 11165.3, and unlawful corporal punishment or injury as defined in Section 11165.4. 'Child abuse or neglect' does not include a mutual affray between minors. 'Child abuse or neglect' does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer."

- (B) Section 273(a) of the Penal Code provides in part:

"(a) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four or six years.

"(b) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor...."

---

---

**HANDBOOK CONTINUES**

**89372 PERSONAL RIGHTS****89372**

- (a) The caregiver shall ensure that each child is accorded the personal rights specified in this section.
- (b) Each child, and his/her authorized representative, shall be personally advised, and given at admission a copy of the rights specified in (c) below.
- (c) Each child shall have personal rights which include but are not limited to the following:
  - (1) To be accorded safe, healthful and comfortable home accommodations, furnishings and equipment that are appropriate to his/her needs.
    - (A) To have storage space for his/her private use.
  - (2) To be treated with respect and to be free from physical, sexual, emotional or other abuse.
  - (3) To be treated with respect and to be free from discrimination, intimidation or harassment based on sex, race, color, religion, ancestry, national origin, disability, medical condition or sexual orientation or perception of having one or more of these characteristics.
  - (4) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.
  - (5) To receive adequate and healthy food.
  - (6) To be provided adequate clothing and personal items.
    - (A) To wear his/her own clothes.
    - (B) To possess and use his/her own personal items including toiletries.
  - (7) To receive an allowance if living in a group home.
  - (8) To receive necessary medical, dental, vision, and mental health services.
  - (9) To be free of the administration of medication or chemical substances, unless authorized by a physician and, if required, by court order.
  - (10) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors and friends.
  - (11) To contact family members, unless prohibited by court order.

**89372 PERSONAL RIGHTS (Continued)****89372**

- (12) To visit and contact brothers and sisters, unless prohibited by court order.
- (13) To contact social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (14) To have visitors, provided the rights of others are not infringed upon.
  - (A) Relatives, during waking hours, unless prohibited by court order, or by the child's authorized representative.
  - (B) Authorized representative.
  - (C) Other visitors, unless prohibited by court order or by the child's authorized representative.
- (15) To contact Community Care Licensing Division of the State Department of Social Services if residing in a licensed home, or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially and to be free from threats or punishments for making complaints.
  - (A) To be informed and to have his/her authorized representative informed, by the caregiver of the provisions of law regarding complaints, including but not limited to the address and telephone number of the complaint, receiving unit of the licensing agency and of information regarding the confidential registration of complaints.
- (16) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
  - (A) Reasonable restrictions may be imposed by the social worker/caregiver to calls and correspondence.
  - (B) No restrictions shall be applied to those listed in (c)(12) above.
  - (C) Other reasonable restrictions may be imposed. The caregiver may:
    - 1. Request long distance cost reimbursement, for calls made by the child, from the child or his/her authorized representative;
    - 2. Be permitted to deny the making of long distance calls by the child upon verification that previous long distance calls have not been paid.
    - 3. Ensure that telephone use does not infringe upon the rights of others, nor tie up the phone during emergencies;



**89372 PERSONAL RIGHTS (Continued)****89372**

- (D) To have access to letter writing material.
- (17) To be free to attend religious services and activities of his/her choice and to have visits from the spiritual advisor of his/her choice.
- (18) To be accorded the independence appropriate to the child's age, maturity, and capability consistent with the child's Needs and Services Plan or Transitional Independent Living Plan (TILP) if applicable.
  - (A) To attend Independent Living Program classes and activities if he/she is 16 or older.
  - (B) To maintain an emancipation bank account.
  - (C) To manage personal income, consistent with his/her age and developmental level.
  - (D) To work and develop job skills at an age appropriate level that is consistent with state law.
  - (E) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with his/her age and developmental level.
- (19) To not be locked in any room, building, or family home.
  - (A) The caregiver shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of the children so long as the children can exit from the home.
- (20) Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below.
  - (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a child's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a child from falling out of bed, a chair, etc.
    - 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports.

**89372 PERSONAL RIGHTS (Continued)****89372**

- (B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request.
  - (C) Approved postural supports shall be fastened or tied in a manner which permits quick release by the child.
  - (D) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.
  - (E) Under no circumstances shall postural supports include tying, depriving, or limiting the use of a child's hands or feet.
    - 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.
  - (F) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a child's mobility but rather protect the child from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.
    - 1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.
    - 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.
- (21) To be free to attend court hearings and speak to the judge.
- (22) To contact his/her placing social worker to review his/her own case plan if he/she is over 12 years of age and to receive information regarding out-of-home placement and case plan, including being told of changes to the plan.
- (23) To be accorded dignity in his/her personal relationships with other persons in the home.
- (A) To be free from unreasonable searches of person.

<b>89372</b>	<b>PERSONAL RIGHTS (Continued)</b>	<b>89372</b>
--------------	------------------------------------	--------------

- (B) To be free from unreasonable searches of personal belongings.
- (24) To have all his/her juvenile court records be confidential, consistent with existing law.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1520, 1530.9, 1531, and 1559.110, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; Unruh Civil Rights Act, Civil Code Section 51; and California Fair Employment and Housing Act, Government Code Section 12921.

<b>89373</b>	<b>TELEPHONES</b>	<b>89373</b>
--------------	-------------------	--------------

All foster family homes shall have telephone service, unless alternative telephone access is approved and documented.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1520, 1524.7, and 1531, Health and Safety Code.

<b>89374</b>	<b>TRANSPORTATION</b>	<b>89374</b>
--------------	-----------------------	--------------

The caregiver shall ensure that all transportation provided for children in their care is provided in vehicles that are in safe operating condition and that the drivers comply with all applicable laws.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501 and 1531, Health and Safety Code.

<b>89376</b>	<b>FOOD SERVICE</b>	<b>89376</b>
--------------	---------------------	--------------

- (a) The caregiver shall provide or ensure at least three nutritious meals per day and as necessary to meet any special dietary needs documented in the child's Needs and Services Plan.
- (b) Whenever children in placement eat at the home, they will have their meals with family members in a family setting.
- (c) Infants under seven months shall be held during bottle-feeding.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1520, and 1530, Health and Safety Code.

**89378 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION****89378**

- (a) The caregiver shall provide care and supervision as necessary to meet each child's needs, and shall be available at all times unless documented in the child's Needs and Services Plan, placement agreement, or Transitional Independent Living Plan (TILP) or agreed to in advance by the licensing agency.
- (b) The caregiver shall provide those services identified in each child's Needs and Services Plan and Transitional Independent Living Plan (TILP) if applicable.
- (c) The caregiver is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement.
  - (1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Section 11465, Welfare and Institutions Code; and Sections 1501, 1520, 1530.6, 1531, and 1559.110, Health and Safety Code; and 42 USC Section 677 of the Social Security Act.

**89379 ACTIVITIES****89379**

- (a) The caregiver shall provide opportunity for, and encourage participation in, group sports, leisure time, family, special school, and daily living skill activities.
- (b) The caregiver shall ensure direct care and supervision is provided to meet the child's needs during participation in those activities that are sponsored by third parties, except that school-sponsored activities shall be presumed to provide adequate care and supervision.

---

**HANDBOOK BEGINS HERE**

When a caregiver is determining whether a sponsor, other than a school, is providing adequate care and supervision, the caregiver should consider who the sponsor is and what supervision and safeguards are in place.

---

**HANDBOOK ENDS HERE**

---

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1530.6, and 1531, Health and Safety Code.

**89387 BUILDINGS AND GROUNDS****89387**

- (a) The caregiver shall provide bedrooms in the home which shall meet, at a minimum, the following requirements unless a documented alternative plan is approved:
- (1) No more than two children shall share a bedroom.
  - (2) Children of the opposite sex shall not share a bedroom unless each child is under five years of age.
  - (3) No room commonly used for other purposes shall be used as a bedroom.
    - (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas and sheds or similar detached buildings.
  - (4) No bedroom shall be used as a public or general passageway to another room.
  - (5) The caregiver shall provide each child with an individual bed which is equipped with a clean, comfortable mattress, clean linens, blankets, and pillows, as needed, all in good repair.
    - (A) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use by children at all times.
    - (B) Beds shall be arranged to allow easy passage between beds and easy entrance into the room.
  - (6) Each bedroom shall have portable or permanent closets and drawer space to accommodate the child's clothing and personal belongings.
  - (7) The caregiver shall provide each infant with a safe and sturdy bassinet or crib, appropriate to the child's age and size.
  - (8) Except for infants, children shall not share a bedroom with an adult.
    - (A) In bedrooms shared by adults and infants, no more than two infants and no more than two adults shall share the room.
  - (9) Sections 89387(a)(1) through (a)(8) apply to all bedrooms used by all children residing in the home, including children who are members of the caregiver's family, guardianship children, and children in placement.
  - (10) Sections 89387(a)(3) and (a)(4) apply to all bedrooms used by the caregiver and all other adults residing in the home.
- (b) The home shall be clean, safe, sanitary and in good repair at all times for the safety and well-being of the children.

**89387 BUILDINGS AND GROUNDS (Continued)****89387**

- (c) All outdoor and indoor passageways, and stairways, inclines, ramps, open porches and other areas or potential hazard shall be kept free of obstruction.
- (d) All homes that accept children under 10 years of age or a child that has a condition including one that makes the child developmentally disabled, or mentally handicapped, and for whom special care and supervision is required as result of his/her condition, shall ensure the inaccessibility of pools, including swimming pools (in-ground and above-ground), fixed-in-place wading pools, hot tubs, spas, fish ponds, and similar bodies of water.
  - (1) Inaccessibility shall be assured by using at least one of the following safety features in (A) or (B) below:
    - (A) The pool shall be isolated from access to a home by an enclosure, as defined in Section 115921(c) and that meets the requirements of Section 115923 of the Health and Safety Code and does not obscure the pool from view.

---

---

**HANDBOOK BEGINS HERE**

Section 115921 of the Health and Safety Code states in pertinent part:

(c) "Enclosure" means a fence, wall, or other barrier that isolates a swimming pool from access to the home.

Section 115923 of the Health and Safety Code states:

An enclosure shall have all of the following characteristics:

- (a) Any access gates through the enclosure open away from the swimming pool, and are self-closing with a self-latching device placed no lower than 60 inches above the ground.
- (b) A minimum height of 60 inches.
- (c) A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.
- (d) Gaps or voids, if any, do not allow passage of a sphere equal or greater than four inches in diameter.
- (e) An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

---

---

**HANDBOOK ENDS HERE**

## 89387 BUILDINGS AND GROUNDS (Continued)

89387

- (B) The pool shall be equipped with an approved safety pool cover as defined in Section 115921 of the Health and Safety Code.

---

**HANDBOOK BEGINS HERE**

---

Section 115921(d) of the Health and Safety Code states in pertinent part:

(d) "Approved safety pool cover" means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.

---

**HANDBOOK ENDS HERE**

---

- (C) When the Department determines that it is not feasible for the caregiver to comply with (A) or (B) above, the residence shall be equipped with exit alarms, as defined in Section 115921 of the Health and Safety Code, on those doors providing direct access to the pool.

1. Where it is feasible to comply in part with (A), the Department may authorize use of a combination of (A) and (C).

---

**HANDBOOK BEGINS HERE**

---

Section 115921 of the Health and Safety Code states in pertinent part:

"Exit alarms" means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

---

**HANDBOOK ENDS HERE**

---

2. All windows providing direct access from the home to the swimming pool shall be secured so that they cannot open more than 4 inches, however, if they are sleeping rooms, they must use an exit alarm.
- (D) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in subdivisions (A) to (C), inclusive, as determined by the building official of the jurisdiction issuing the applicable building permit, or other official documentation. Any ordinance governing child access to pools adopted by a political subdivision on or before January 1, 1997, is presumed to afford protection that is equal to or greater than that afforded by any of the devices set forth in subdivisions (A) to (C), inclusive.

## 89387 BUILDINGS AND GROUNDS (Continued)

89387

1. The caregiver must submit to the department documentation of approval by the building official of his/her jurisdiction before accepting children described in subsection (D) above.
  2. If licensed prior to June 1, 1995, facilities with existing pool fencing shall be exempt from the fence requirements specified in Section 89387(d)(1)(A) until such fence is replaced or structurally altered. When the caregiver replaces or alters the fence, it shall be required to meet the fence requirements specified in Section 89387(d)(1)(A).
- (e) If the home has an above-ground pool, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible and if the pool is less than 60 inches in height, by the use of a barricade. Any barricade, whether or not it includes the above-ground pool structure itself, shall meet the requirements of Section 89387(d)(1)(A).
- (f) All in-ground pools, and above-ground pools which cannot be emptied after each use, shall have an operative pump and filtering system.
- (g) An adult who has the ability to swim shall provide supervision at all times when children are using a pool or a body of water from which rescue requires the rescuer's ability to swim.
- (h) The caregiver who accepts a child with a disability shall make necessary specific provisions including but not limited to changes to the buildings and grounds as required to protect and assist the child and maximize the child's potential for self-help.
- (i) The caregiver shall maintain at least one toilet, sink, and tub or shower maintained in safe, clean operating conditions.
- (j) Bunk beds of more than two tiers shall not be used.
- (1) Bunk beds shall have railings on the upper tier to prevent falling.
  - (2) Children under five years of age or those who are unable to climb into or out of the upper tier unassisted shall not be permitted to use the upper tier.
- (k) The caregiver shall maintain a comfortable temperature for children at all times.
- (l) The caregiver shall ensure the safety of children in a home that has fireplaces, open-faced heaters, or woodstoves.
- (m) The caregiver shall provide lamps or light as necessary in all rooms and other areas to ensure the comfort and safety of all persons in the home.
- (n) Faucets used by clients for personal care and grooming shall deliver hot water at a safe temperature.



---

**Article 4. PLACEMENT****89400 LICENSURE IS NOT AN ENTITLEMENT TO PLACEMENT****89400**

- (a) A license is required prior to placement, but the license does not entitle the caregiver to placement of a child pursuant to Section 16507.5 of the Welfare and Institutions Code.

---

**HANDBOOK BEGINS HERE**

---

- (1) Welfare and Institutions Code Section 16507.5 provides in part:

The granting of a community care license or approval status does not entitle the caregiver to the placement of a specific child or children. Placement is based on the child's needs and best interest.

---

**HANDBOOK ENDS HERE**

---

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501 and 1501.1, Health and Safety Code; and Section 16507.5, Welfare and Institutions Code.

**89405 TRAINING REQUIREMENTS****89405**

- (a) Any time a child is in the home, at least one of the persons providing regular and routine care and supervision to the child shall have received current training in first aid and/or Cardiopulmonary Resuscitation (CPR). Training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, and shall be current and appropriate to the child's age and needs.
- (b) The caregiver is required to complete a minimum of 12 hours of training prior to placement of a child in the home and a minimum of 8 hours of annual training as required in Health and Safety Code Section 1529.2. In addition, the caregiver shall complete first aid and CPR training as required in Section 89405(a).

---

**HANDBOOK BEGINS HERE**

---

- (1) Health and Safety Code Section 1529.2 provides:

"(a) In addition to the foster parent training provided pursuant to Section 903.7 of the Welfare and Institutions Code, foster family agencies shall supplement the community college training by providing a program of training for their certified foster families.

---

**HANDBOOK CONTINUES**

---

## 89405 TRAINING REQUIREMENTS (Continued)

89405

---

**HANDBOOK CONTINUES**

---

- "(b) (1) Every licensed foster parent shall complete a minimum of 12 hours of foster parent training, as prescribed in paragraph (3), before the placement of any foster children with the foster parent. In addition, a foster parent shall complete a minimum of eight hours of foster parent training annually as prescribed in paragraph (4). No child shall be placed in a foster family home unless these requirements are met by the persons in the home who are serving as the foster parents.
- "(2) (A) Upon the request of the foster parent for a hardship waiver from the postplacement training requirement or a request for an extension of the deadline, the county may, at its option, on a case-by-case basis, waive the postplacement training requirement or extend any established deadline for a period not to exceed one year, if the postplacement training requirement presents a severe and unavoidable obstacle to continuing as a foster parent. Obstacles for which a county may grant a hardship waiver or extension are:
- "(i) Lack of access to training due to the cost or travel required.
- "(ii) Family emergency.
- "(B) Before a waiver or extension may be granted, the foster parent should explore the opportunity of receiving training by video or written materials.
- "(3) The initial preplacement training shall include, but not be limited to, training courses that cover all of the following:
- "(A) An overview of the child protective system.
- "(B) The effects of child abuse and neglect on child development.
- "(C) Positive discipline and the importance of self-esteem.
- "(D) Health issues in foster care.
- "(E) Accessing education and health services available to foster children.
- "(4) The postplacement annual training shall include, but not be limited to, training courses that cover all of the following:

---

**HANDBOOK CONTINUES**

---

<b>89410</b>	<b>LIMITATIONS ON CAPACITY AND AMBULATORY STATUS</b>	<b>89410</b>
--------------	--	--------------

- (a) The caregiver shall not operate a home beyond the conditions and limitations specified in the license, including the capacity limitation.
- (b) The caregiver shall not accept more than two infants, including infants in the caregiver's family, without additional household help.
- (c) The caregiver shall not place nonambulatory children in any room approved to accommodate only ambulatory children.
  - (1) Children whose condition becomes nonambulatory shall not remain in rooms restricted to ambulatory children.
  - (2) The licensing agency shall have the authority to require children who are accommodated in ambulatory rooms to demonstrate that they are ambulatory.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.5, 1525.25, 1530.6, and 1531, Health and Safety Code.

<b>89420</b>	<b>FIRE CLEARANCE</b>	<b>89420</b>
--------------	-----------------------	--------------

- (a) Prior to accepting a disabled child, or deciding to continue to provide services to a child determined after placement to have a disability, the caregiver shall notify the licensing agency so that a fire clearance, approved by the local fire authority having jurisdiction, can be obtained.

---

**HANDBOOK BEGINS HERE**

---

- (1) Health and Safety Code Section 13143 provides in pertinent part:

A fire clearance shall not be required if the foster family home is providing care for:

- (A) six or fewer ambulatory children, and/or
- (B) children two years of age or younger.

---

**HANDBOOK ENDS HERE**

---

- (b) The licensing agency shall approve postural supports only after the appropriate fire clearance has been secured.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507.2, 1531, 1531.4, and 13143, Health and Safety Code.

**89421 WATER SUPPLY CLEARANCE****89421**

- (a) Any home where water for human consumption is from a private source shall meet the following requirements:
- (1) Prior to the home accepting its first placement, the caregiver shall provide evidence of an on-site inspection of the source of the water and a bacteriological analysis which establishes the safety of the water, conducted by the local health department, the State Department of Health or a licensed commercial laboratory.
  - (2) Subsequent to placement the caregiver shall be required to provide additional analyses only when the licensing agency documents the need for an analysis to assure the health and safety of the children.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1520 and 1531, Health and Safety Code.

**89465 CAREGIVER REQUIREMENTS****89465**

- (a) The licensing agency shall have the authority to require any caregiver to provide additional household help whenever the agency determines that additional help is required for the provision of necessary services to children.
- (1) The licensing agency shall specify in writing the reasons for its determination.
  - (2) The following factors shall be used in determining the need for additional staff:
    - (A) Needs of the particular children.
    - (B) Extent of the services provided by the home.
    - (C) Physical arrangements of the particular home.
    - (D) Any change in the considerations listed in Section 89231(c).
- (b) The caregiver, including additional help, shall be in good health, and shall be physically, mentally, and occupationally capable of complying with these regulations.
- (1) Good health shall be verified by a health screening, including a test for tuberculosis not more than one year old, and performed by or under the supervision of a physician.
  - (2) The report, signed by the person performing the health screening, shall indicate the following:
    - (A) The presence of any health condition that would create a hazard to the caregiver or children.

**89465 CAREGIVER REQUIREMENTS (Continued)****89465**

- (c) Physician reports from general practitioners or specialists may be required after licensure if the licensing agency has reason to believe that the physical and/or mental health of the caregiver, including additional help, is not adequate to carry out responsibilities specified in these regulations.

---

**HANDBOOK BEGINS HERE**

---

- (1) The licensing agency shall provide the caregiver a written explanation of the need for any additional report.
- (2) The licensing agency shall specify in writing what written information is required from the caregiver.

---

**HANDBOOK ENDS HERE**

---

- (d) All adults regularly present in the home shall submit verification of their test results for tuberculosis that was performed not more than one year prior to placement of the first child in the home.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1530.6, and 1531, Health and Safety Code.

**89468 ADMISSION PROCEDURES****89468**

- (a) At the time of placement for each child, the caregiver shall request from the placement worker, if it is not provided immediately, the Child's Health and Education Passport and Needs and Services Plan.
- (b) The Needs and Services Plan shall contain the following information, which includes but is not limited to:
- (1) Name.
  - (2) Age.
  - (3) Physical limitations.
  - (4) History of infections or contagious diseases.
  - (5) History of other medical, emotional, behavioral and physical problems.
  - (6) Capability of the child to handle his/her own cash resources.

**89468**      **ADMISSION PROCEDURES** (Continued)**89468**

- (7) Current service needs related to (3), (4), (5), and (6) above.
- (8) Any applicable needs appraisal or individual program plans completed by a placement agency or consultant.
- (c) As soon as the Needs and Services Plan and Health Education Passport is received from the placement worker, the caregiver shall review the information and determine;
  - (1) The caregiver's ability to meet the individual needs of the child.
  - (2) The caregiver's ability to continue meeting the needs of other children and the caregiver's family.
- (d) If it is determined after review that the home cannot meet the service needs of the child, the caregiver shall:
  - (1) Inform the child's authorized representative.
  - (2) Request that the child be placed elsewhere.
- (e) The caregiver shall keep a copy of the current Needs and Services Plan, Transitional Independent Living Plan (TILP) and the health education passport and comply with the portion of the case plan provided by the placing social worker that pertains to care of the child.
- (f) The caregiver shall provide an orientation of the personal rights as set forth in Section 89372 to every child, in an age- and developmentally-appropriate manner, and to the child's authorized representative.
  - (1) In addition to the requirements of Section 89468(f), when the home is licensed to provide care for 6 or more children, the caregiver shall also post a listing of the personal rights (PUB 396). The listing of personal rights shall be posted in an area of the home that is accessible to the child and his or her authorize representative.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1520, 1530.6, 1530.91, 1531, and 1557.5, Health and Safety Code.

<b>89469</b>	<b>CHILDREN'S MEDICAL ASSESSMENTS</b>	<b>89469</b>
--------------	---------------------------------------	--------------

- (a) Within 30 days of accepting a child, the caregiver shall obtain a recent written medical assessment.
- (1) A recent medical assessment shall not be more than a year old.
- (b) The licensing agency shall have the authority to require the caregiver to obtain a current written medical assessment, if such an assessment is necessary to verify the appropriateness of a child's placement.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1520, 1530.6, 1531, and 1557.5, Health and Safety Code.

**89475 HEALTH RELATED SERVICES****89475**

- (a) Family health care as defined in Section 89201 shall be administered as outlined by the appropriate medical professional in writing.
  - (1) The medical professional shall provide adequate, practical and written instruction.
- (b) Any time a child is in the home, at least one of the persons providing regular and routine care and supervision to the child shall have current training in first aid and CPR. Training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, and shall be appropriate to the child's age and needs.
  - (1) The caregiver shall maintain copies of unexpired first aid and CPR certificates documenting the training required.
  - (2) The caregiver shall maintain first aid supplies appropriate to the needs of the children in care.
- (c) When a child has a health condition that requires the administration of medication, the caregiver shall:
  - (1) Assist children with self-administration as needed.
  - (2) Ensure that instructions are followed as outlined by the appropriate medical professional.
  - (3) Medication shall be stored in the original container with the original unaltered label.
  - (4) Prescription medication must be administered as per directions on the label or as advised by the physician in writing.
  - (5) Non-prescription medication must be administered as directed by the appropriate medical professional and documented by the caregiver.
  - (6) The administration of PRN medication shall also require documentation by the caregiver of the date, time and dose of medication administered.
  - (7) If the child can not determine his/her own need, the caregiver shall determine need in accordance with medical instructions.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.5, 1530.6 and 1531, Health and Safety Code; and Business and Professions Code Section 2727(a).



**89569.1 INDIVIDUALIZED HEALTH CARE PLANS FOR  
SPECIALIZED FOSTER FAMILY HOMES****89569.1**

- (a) The caregiver shall not accept a child with special health care needs unless the caregiver has obtained an individualized health care plan for the child. The plan shall include the following information:
- (1) The name, address, and phone number of the health care professional responsible for monitoring the child's ongoing health care.
  - (2) The appropriate number of hours of on-site supervision and monitoring, and the appropriate number of hours of off-site supervision and monitoring, needed to be provided by the monitor designated in Section 89569.1(a)(1), above.
  - (3) Documentation by the child's individualized health care plan team identifying the specialized in-home health care to be administered by a health care professional or responsible adult trained by a health care professional.
  - (4) Arrangements for in-home health support services if required.
  - (5) Specific responsibilities of the caregiver for the provision of specialized in-home health care, including any required training and/or additional training.
  - (6) Identification of any available and funded medical services that are to be provided to the child in the home which may include, but is not limited to, assistance from health care professionals.
  - (7) Identification of any psychological, emotional, behavioral, or medical problems that will be identified in the child's Needs and Services Plan or the medical assessment specified in Section 89469.
- (b) The individualized health care plan for each child with special health care needs shall be updated at least every six months or sooner if the needs of the child change.
- (c) For any child with special health care needs the hospital discharge plan may be adopted by the individualized health care plan team as the child's individualized health care plan.
- (d) The individualized health care plan may be combined with the child's needs and services plan or regional center individual program plan provided that all the information required by each plan is included.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code, Section 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Section 17731(c), Welfare and Institutions Code.

**89570.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED  
FOSTER FAMILY HOMES****89570.1**

- (a) In addition to Section 89370, the caregiver shall ensure that records for each child with special health care needs contain the following:
  - (1) Documentation that the child has been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code or has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center.
  - (2) A copy of the child's individualized health care plan as specified in Section 89569.1.
  - (3) A copy of the written reassessment of the child's individualized health care plan as specified in Section 89569.1(b).
- (b) The caregiver of a specialized foster family home not exceeding the two-child capacity limit shall ensure that each child's Needs and Services Plan contains the following information in addition to the information required in Section 89468.
  - (1) Documentation by the child's county social worker, regional center caseworker or authorized representative that the needs of the child can be met by the home.
    - (A) New documentation shall be obtained for all children and placed in the respective Needs and Services Plans each time there is an increase or turnover in children and the home meets the conditions described in above Section 89570.1(b).
- (c) If a third child is placed in a specialized foster family home, the caregiver shall ensure that:
  - (1) The Needs and Services Plan for the third child documents the determination specified in Section 89510.1(a)(1)(A).
  - (2) The Needs and Services Plan for each child in the home documents the determinations specified in Sections 89510.1(a)(1)(B) and (B)1.

**89570.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED  
FOSTER FAMILY HOMES (Continued)****89570.1**

- (3) The individualized health care plan for each child with special health care needs documents the determinations specified in Sections 89510.1(a)(1)(C) and (C)1.
- (A) Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the team has been notified and has determined that the two-child limit may be exceeded.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 17710, 17731, and 17732(a), Welfare and Institutions Code and Section 1531, Health and Safety Code.

**89572.2 PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL  
HEALTH CARE NEEDS****89572.2**

- (a) Children with special health care needs are afforded all the personal rights specified in Section 89372, with the following modifications:
- (1) Section 89372(c)(8) shall not apply to children with special health care needs. Children with Special Health Care Needs have the right to be free of the administration of medication or chemical substances except as specifically provided in a child's individualized health care plan.
- (2) Section 89372(c)(19) shall not apply to children with special health care needs. A child with special health care needs has the right to be free from any restraining/postural support device except as required to treat the child's specific medical symptoms and addressed or outlined in the child's individualized health care plan.
- (A) Physical restraining devices may be used for the protection of a child with special health care needs during treatment and diagnostic procedures such as, but not limited to, intravenous therapy or catheterization procedures. The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the child's individualized health care plan. The child's individualized health care plan shall include all of the following:
1. The specific medical symptom(s) that require use of the restraining device.

**89572.2 PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS (Continued)****89572.2**

2. An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices as ineffective.
3. A written order by the child's physician. The order must specify the duration and circumstances under which the restraining device is to be used.

- (B) Postural supports as specified in Sections 89372(c)(19)(A), half-bedrails, and protective devices as specified in Section 89372(c)(19)(F), may be used if prescribed in the individualized health care plan. The use of a postural support or protective device and the method of application shall be specified in the child's individualized health care plan and approved in writing by the child's physician.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Section 1530, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 16001.9, 17730 and 17736, Welfare and Institutions Code.

**89587.1 ADDITIONAL BUILDINGS AND GROUNDS REQUIREMENTS FOR SPECIALIZED FOSTER FAMILY HOMES****89587.1**

- (a) Areas in the home, including bedrooms, bathrooms, toilets, dining areas, passageways and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment needed by the child therein.
- (1) Bedrooms occupied by children with special health care needs shall be large enough to allow the storage of each child's personal items and any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
- (A) The bedroom shall be large enough to permit unobstructed bedside ministrations of medical procedures and medications.
- (b) Notwithstanding Section 89387(a)(1), a bedroom used by a child with special health care needs shall not be shared with another minor residing in the home if the child's need for medical services or the child's medical condition would be incompatible with the use and enjoyment of the bedroom by each minor.
- (c) When required by the child's individualized health care plan, the caregiver(s) or other adult caring for the child shall sleep in a bedroom adjacent or in close proximity to the child's room.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Section 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Section 17732, Welfare and Institutions Code.